

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN, State Bar No. 193338
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5318
Facsimile: (916) 324-5567

7 Attorneys for Complainant
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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2008-178

13 PATTIE LYNN WASHINGTON,
a.k.a. PATTIE LYNN THOMPSON
14 2695 Hopi Ct.
Cameron Park, CA 95682-9266

A C C U S A T I O N

15 Registered Nurse License No. 379154

16 Respondent.
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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about September 30, 1984, the Board issued Registered Nurse
24 License Number 379154 to Pattie Lynn Washington, also known as Pattie Lynn Thompson
25 ("Respondent"). Respondent's registered nurse license was in full force and effect at all times
26 relevant to the charges brought herein and will expire on November 30, 2009, unless renewed.

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STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761, subdivision (a), states, in pertinent part, that the Board may take disciplinary action against a certified or licensed nurse for unprofessional conduct.

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license . . .

7. Code section 4060 states, in pertinent part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

1 This section shall not apply to the possession of any controlled substance by a
2 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
3 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
practitioner, or physician assistant, when in stock in containers correctly
labeled with the name and address of the supplier or producer . . .

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5 8. Health and Safety Code section 11170 states that no person shall
6 prescribe, administer, or furnish a controlled substance for himself.

7 9. Health and Safety Code section 11173, subdivision (a), states, in pertinent
8 part:

9 No person shall obtain or attempt to obtain controlled substances, or
10 procure or attempt to procure the administration of or prescription for controlled
substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . .

11 COST RECOVERY

12 10. Code section 125.3 provides, in pertinent part, that the Board may request
13 the administrative law judge to direct a licentiate found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 CONTROLLED SUBSTANCES AT ISSUE

17 11. "Fentanyl" is a Schedule II controlled substance as designated by Health
18 and Safety Code section 11055, subdivision (c)(8).

19 12. "Morphine" is a Schedule II controlled substance as designated by Health
20 and Safety Code section 11055, subdivision (b)(1)(M).

21 13. "Demerol", a brand of meperidine hydrochloride, is a Schedule II
22 controlled substance as designated by Health and Safety Code section 11055, subdivision
23 (c)(17).

24 14. "Vicodin" is a compound consisting of 5 mg hydrocodone bitartrate, also
25 known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and
26 Safety Code section 11056, subdivision (e)(4), and 500 mg acetaminophen per tablet.

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1 MARSHALL HOSPITAL

2 FIRST CAUSE FOR DISCIPLINE

3 **(Diversion, Possession, and Self-Administration of Controlled Substances)**

4 15. Respondent is subject to disciplinary action pursuant to Code section
5 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
6 2762, subdivision (a), in that in and between January 2001, and April 2001, while employed
7 and/or on duty as an operating room ("OR") nurse at Marshall Hospital, Placerville, California
8 (hereinafter "hospital"), Respondent did the following:

9 **Diversion of Controlled Substances:**

10 a. Respondent obtained controlled substances, including, but not limited to,
11 fentanyl and morphine, by fraud, deceit, misrepresentation, or subterfuge, in violation of Health
12 and Safety Code section 11173, subdivision (a), as follows:

13 1. Respondent obtained or diverted unknown quantities of narcotics,
14 including fentanyl, from the OR that were intended for wastage, as follows: Respondent
15 removed the narcotic from a vial or ampule, then refilled the container with
16 approximately the same amount of saline solution. Respondent would then have a
17 co-worker witness Respondent's wastage of the "narcotic", believing it to be fentanyl.

18 2. Respondent obtained or diverted unknown quantities of morphine on at
19 least two occasions by removing the morphine from a vial that was intended for a patient,
20 then replacing the narcotic with saline solution (in each instance, Respondent
21 witnessed the patient receive the dose of saline solution, rather than the morphine).

22 **Possession of Controlled Substances:**

23 b. In and between January 2001, and April 2001, Respondent possessed
24 unknown quantities of the controlled substances fentanyl and morphine without valid
25 prescriptions from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
26 doctor, in violation of Code section 4060.

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1 **Self-Administration of Controlled Substances:**

2 c. In and between January 2001, and April 2001, Respondent self-
3 administered the controlled substances fentanyl and morphine without lawful authority therefor,
4 as follows: After diverting unknown quantities of fentanyl and morphine from the hospital, as
5 set forth in subparagraph 15 (a) above, Respondent injected the controlled substances
6 intramuscularly into her leg at both the hospital and at home. Further, on at least one occasion,
7 Respondent provided patient care while under the influence of narcotics.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Use of Controlled Substances to an Extent or in a Manner
10 Dangerous or Injuries to Onself or Others)**

11 16. Respondent is subject to disciplinary action pursuant to Code section
12 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
13 2762, subdivision (b), in that in and between January 2001, and May 2005, while licensed as a
14 registered nurse, Respondent used controlled substances, including, but not limited to, Vicodin,
15 to an extent or in a manner dangerous or injurious to herself and/or others, as follows:
16 Respondent, by her own admission, began diverting narcotics in January 2001, while employed
17 at Marshall Hospital. Respondent had become addicted to Vicodin by that time and diverted the
18 narcotics from the hospital whenever she ran out of her Vicodin (Respondent alleges that she
19 received a prescription for Vicodin following multiple injuries to her back, neck, and knee, and
20 multiple surgeries). Further, on at least one occasion, Respondent provided patient care while
21 under the influence of narcotics. Respondent was eventually enrolled in the Board's diversion
22 program. Respondent was terminated from the program in April 2005, for "non-compliance" as
23 she had relapsed "three to four" times through her use of Vicodin.

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1 4. On or about April 2, 2002, Respondent obtained or diverted 250 mcg of
2 fentanyl by falsifying the controlled drug record, as follows: At 2300 hours on the date
3 indicated above, Respondent documented on OR Controlled Drug Daily Record #037981
4 that she withdrew 250 mcg of fentanyl from the OR supply for Dr. M. In fact, Dr. M. had
5 not ordered or requested the fentanyl from Respondent. Further, Dr. M. had at least two
6 250 mcg ampules of the medication in his narcotic box at that time.

7 5. On or about April 5, 2002, Respondent obtained or diverted 250 mcg of
8 fentanyl by falsifying the controlled drug record, as follows: At 2300 hours on the date
9 indicated above, Respondent documented on OR Controlled Drug Daily Record #037981
10 that she withdrew 250 mcg of fentanyl from the OR supply for Dr. V. In fact, Dr. V. had
11 not ordered or requested the fentanyl from Respondent. Further, Dr. V. had at least two
12 250 mcg ampules of the medication in his narcotic box at that time.

13 6. On or about April 5, 2002, Respondent obtained or diverted 50 mg of
14 Demerol by falsifying the controlled drug record, as follows: At 0050 hours on the date
15 indicated above, Respondent documented on PACU Controlled Drug Daily Record
16 #039370 that she administered Demerol 50 mg to a patient. In fact, Respondent self-
17 administered the medication instead of giving it to the patient.

18 **Possession of Controlled Substances:**

19 b. In and between September 2001, and April, 2002, Respondent possessed
20 unknown quantities of the controlled substances fentanyl, morphine, and Demerol without valid
21 prescriptions from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
22 doctor, in violation of Code section 4060.

23 **Self-Administration of Controlled Substances:**

24 c. In and between September 2001, and April, 2002, Respondent self-
25 administered the controlled substances fentanyl, morphine, and Demerol without lawful
26 authority therefor.

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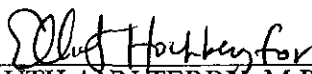
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 379154, issued to Pattie Lynn Washington, also known as Pattie Lynn Thompson;
2. Ordering Pattie Lynn Washington, also known as Pattie Lynn Thompson, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/5/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant